

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS**

In re HOWARD E. RHODES

Application No. 09/172,298

Filed: October 14, 1998

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Appeal No. 2008-2881

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for October 22, 2008. The notice setting the hearing was mailed to Applicant on August 21, 2008. The date Applicant received the notice is not apparent from the record. On October 17, 2008, a facsimile letter styled "Request for Rescheduling of Oral Hearing" was filed. Applicant requested that the oral hearing be rescheduled. The request has been granted.

According to counsel:

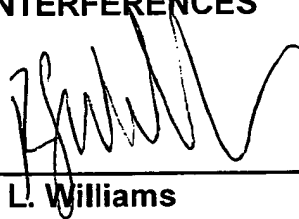
The attorney familiar with this application, who will present the oral argument, had a child emergency this week requiring extended hospital care. Applicant believes this to be an extenuating circumstance and respectfully requests the Board's understanding in this matter.

For the reasons given above, it is:

Ordered that the request to reschedule the oral hearing to a date after October 22, 2008 is granted.

No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

**BOARD OF PATENT APPEALS
AND INTERFERENCES**



Roger L. Williams
Administrative Officer
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FAX DATE : October 20, 2008
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(420) BIC

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